

# Senate File 287 - Introduced

SENATE FILE \_\_\_\_\_  
BY HOGG, QUIRMBACH, MULDER,  
HANCOCK, OLIVE, and NOBLE

(COMPANION TO HF 56 BY REASONER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the sales of beer kegs by requiring an  
2 identification number on each keg of beer, recording of the  
3 purchase of beer by the keg, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1029SS 82  
6 ec/sh/8

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1 1 Section 1. Section 123.50, subsection 1, Code 2007, is  
1 2 amended to read as follows:  
1 3 1. Any person who violates any of the provisions of  
1 4 section 123.49, except subsection 2, paragraph "h", or who  
1 5 fails to affix upon sale, defaces, or fails to record a keg  
1 6 identification sticker or produce a record of keg  
1 7 identification stickers pursuant to section 123.138, shall be  
1 8 guilty of a simple misdemeanor. A person who violates section  
1 9 123.49, subsection 2, paragraph "h", commits a simple  
1 10 misdemeanor punishable as a scheduled violation under section  
1 11 805.8C, subsection 2.  
1 12 Sec. 2. Section 123.138, Code 2007, is amended to read as  
1 13 follows:  
1 14 123.138 BOOKS OF ACCOUNT REQUIRED == KEG IDENTIFICATION  
1 15 STICKER.  
1 16 1. Each class "A" or special class "A" permittee shall  
1 17 keep proper books of account and records showing the amount of  
1 18 beer sold by the permittee, and these books of account shall  
1 19 be at all times open to inspection by the administrator and to  
1 20 other persons pursuant to section 123.30, subsection 1. Each  
1 21 class "B" and class "C" permittee shall keep proper books of  
1 22 account and records showing each purchase of beer made by the  
1 23 permittee, and the date and the amount of each purchase and  
1 24 the name of the person from whom each purchase was made, which  
1 25 books of account and records shall be open to inspection  
1 26 pursuant to section 123.30, subsection 1, during normal  
1 27 business hours of the permittee.  
1 28 2. a. Each class "B", "C", or special class "C" liquor  
1 29 control licensee and class "B" or "C" beer permittee who sells  
1 30 beer for off-premises consumption shall affix to each keg of  
1 31 beer an identification sticker provided by the administrator.  
1 32 For the purposes of this subsection, "keg" means all durable  
1 33 and disposable containers with a liquid capacity of five  
1 34 gallons or more. Each class "B", "C", or special class "C"  
1 35 liquor control licensee and class "B" or "C" beer permittee  
2 1 shall also keep a record of the identification sticker number  
2 2 of each keg of beer sold by the licensee or permittee with the  
2 3 name and address of the purchaser and the number of the  
2 4 purchaser's driver's license, nonoperator's identification  
2 5 card, or military identification card, if the military  
2 6 identification card contains a picture and signature. This  
2 7 information shall be retained by the licensee or permittee for  
2 8 a minimum of ninety days. The records kept pursuant to this  
2 9 subsection shall be available for inspection by any law  
2 10 enforcement officer during normal business hours.  
2 11 b. The division shall provide the keg identification  
2 12 stickers described in paragraph "a". Each sticker shall  
2 13 contain a number and the following statement: "It is unlawful  
2 14 to sell, give, or otherwise supply any alcoholic beverage,  
2 15 wine, or beer to any person under legal age. Any person who  
2 16 defaces this sticker shall be guilty of criminal mischief

2 17 punishable pursuant to section 716.6 and shall cause the  
2 18 forfeiture of any deposit, if applicable." The identification  
2 19 sticker shall be placed on the keg at the time of retail sale.  
2 20 The licensee or permittee shall purchase the stickers referred  
2 21 to in this subsection from the division and shall remit to the  
2 22 division deposits forfeited pursuant to this lettered  
2 23 paragraph due to defacement. The cost of the stickers to  
2 24 licensees and permittees shall not exceed the division's cost  
2 25 of producing and distributing the stickers. The moneys  
2 26 collected by the division relating to the sale of stickers and  
2 27 forfeited deposits shall be credited to the beer and liquor  
2 28 control fund.

2 29 c. Enforcement of this subsection shall be implemented  
2 30 uniformly throughout the state. For purposes of uniform  
2 31 implementation, a county or municipality shall not set  
2 32 requirements or establish a penalty which is higher or more  
2 33 stringent than the requirements or penalties enumerated in  
2 34 this subsection, section 123.50, and section 716.6. The  
2 35 division shall establish by rule procedures relating to the  
3 1 forfeiture and remittance of deposits pursuant to paragraph

3 2 "b".

3 3 EXPLANATION

3 4 This bill provides that specified liquor control licensees  
3 5 and beer permittees who sell beer for off-premises consumption  
3 6 shall affix to each keg of beer an identification sticker  
3 7 provided by the administrator of the alcoholic beverages  
3 8 division of the department of commerce. The bill provides  
3 9 that a "keg" of beer shall refer to all durable and disposable  
3 10 containers with a liquid capacity of five gallons or more.

3 11 The bill also provides that each of the specified licensees  
3 12 and permittees shall keep a record of the identification  
3 13 sticker number of each keg of beer sold by the licensee or  
3 14 permittee with the name and address of the purchaser and the  
3 15 number of the purchaser's driver's license, nonoperator's  
3 16 identification card, or military identification card. The  
3 17 bill provides that this information shall be retained for a  
3 18 minimum of 90 days, and shall be available for inspection by  
3 19 any law enforcement officer during normal business hours. The  
3 20 bill provides that the identification sticker shall be affixed  
3 21 to the keg at the time of the retail sale.

3 22 The bill provides that the alcoholic beverages division  
3 23 shall provide the keg identification stickers, and that each  
3 24 sticker shall display an identification number and a statement  
3 25 that it is unlawful to sell, give, or otherwise supply any  
3 26 alcoholic beverage, wine, or beer to any person under legal  
3 27 age, and that any person who defaces the sticker shall be  
3 28 guilty of criminal mischief and shall forfeit a deposit, if  
3 29 applicable. The bill provides that the licensee or permittee  
3 30 shall purchase the stickers from the division, that the  
3 31 licensee or permittee shall be authorized to retain a  
3 32 forfeited deposit, that the cost of the stickers shall not  
3 33 exceed the division's production and distribution cost, and  
3 34 that the moneys collected by the division from the sale of the  
3 35 stickers or from forfeited deposits shall be credited to the  
4 1 beer and liquor control fund.

4 2 The bill provides that penalty provisions contained in Code  
4 3 section 123.50, regarding violations being punishable as a  
4 4 simple misdemeanor, shall be applicable to a licensee or  
4 5 permittee who fails to affix upon sale, defaces, or fails to  
4 6 record a keg identification sticker or produce a record of keg  
4 7 identification stickers. The bill provides that the  
4 8 provisions of the bill shall be enforced and implemented  
4 9 uniformly across the state, and that a county or municipality  
4 10 shall not set requirements or establish a penalty which is  
4 11 higher or more stringent than the requirements or penalty  
4 12 provisions made applicable in Code section 123.50 or 716.6.

4 13 LSB 1029SS 82

4 14 ec:nh/sh/8